

**UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: Ruth Ellen Kears

Chapter 13: 08-17681-MDC

**MOTION TO AVOID JUDICIAL LIEN
OF ATLANTIC CREDIT& FINANCE, INC. ASSIGNEE OF HSBC**

1. Chapter 13 was filed on November 20, 2008.
2. The Chapter 13 case was reopened for cause for the limited purpose of avoiding liens and for a discharge order.
3. The trustee was William C. Miller who was succeeded by Kenneth E West.
4. The Debtor owned her home at the time of filing and continues to own said property known as 6451 Clearview Street, Philadelphia, PA 19119.
5. At the time of the filing and as reflected on the bankruptcy schedules reflected that the property had a value of \$60,000.00 with a mortgage balance of \$43,000.00. Exhibit A.
6. The debtor exempted her equity of \$17,000.00 in her residence under 11 U.S.C. 522(1).
7. The debtor had a judgment against her in favor of Atlantic Credit& Finance, Inc., assignee of HSBC pursuant to Philadelphia Court of Common Pleas Civil Action 081000201 entered on November 12, 2008, by default in the amount of \$13,696.07.
8. The judicial lien is avoidable pursuant to 11 U.S.C. 522 and should be avoided upon discharge.

WHEREFORE the Debtor prays that this Honorable Court enter an Order avoiding the judicial lien upon Discharge.

Respectfully Submitted,

GELLERT SCALI BUSENKELL & BROWN, LLC

Dated: November 1, 2023

/s/ Michael A. Cataldo

Michael A. Cataldo (No. 49431)

1628 John F. Kenned Blvd. Suite 1901

Philadelphia, PA 19103

Telephone: (215) 238-0010

Facsimile: (215) 238-0016

mcataldo@gsbblaw.com

Counsel to the Debtor